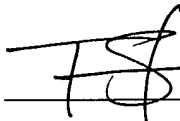
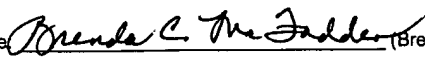




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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)
		04995/114001
	Application Number 10/634,158-Conf. #6330	Filed August 5, 2003
	First Named Inventor Kouichi Chikumoto	
	Art Unit 2653	Examiner M. S. Blouin
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>33,986</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p> #45,079 Signature THOMAS SCHERER Jonathan P. Osha Typed or printed name</p> <p>(713) 228-8600 Telephone number</p> <p>October 12, 2005 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>		

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV707246170US, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: October 12, 2005	Signature  (Brenda C. McFadden)



Docket No.: 04995/114001  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kouichi Chikumoto

Conf. No.: 6330

Application No.: 10/634,158

Art Unit: 2653

Filed: August 5, 2003

Examiner: M. S. Blouin

For: MAGNETIC RECORDING/REPRODUCING  
APPARATUS

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by JP 7-19820 ("JP"). In maintaining the above rejection and issuing a final office action, the Applicant respectfully asserts that the Examiner has failed to satisfy the requirements set out in M.P.E.P. §2131, which require that the cited prior art teach each and every element as set forth in the claim, either expressly or inherently. In particular, the Applicant respectfully asserts that the Examiner, in construing the claims, has failed to consider the claim limitations in their *entirety*.

Turning to the claims, the claims require that (i) "a projection to be in contact with a front face of the cassette when the cassette is inserted...wherein when the cassette is brought into contact with the projection, the lock releasing arm depresses the lock releasing switch" and (ii) the "a sidewall on a cassette inserting direction side of the claw comes into contact with a side wall on the cassette inserting direction side of the hole to position the cassette until the cassette is automatically loaded." Each of the above limitations is address below.

With respect to the limitation "a projection to be in contact with a front face of the cassette when the cassette is inserted...wherein when the cassette is brought into contact with

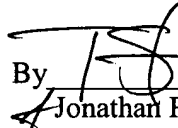
the projection, the lock releasing arm depresses the lock releasing switch,” the Examiner has continued to assert that the projection in JP (*see* Office Action mailed July 15, 2005, Examiner’s Drawings) comes into contact with a front face of a cassette when the cassette is inserted. As discussed in the Response to Office Action mailed July 6, 2005, p. 3, there is no indication that the projection identified by the Examiner is connected in any way to the claw (12a) that would allow it to *trigger* the lock releasing arm to depress the lock releasing switch. In fact, as shown in the Examiner’s Drawings in the Office Action mailed July 15, 2005, the projection is completely isolated from the claw.

With respect to the limitation “a sidewall on a cassette inserting direction side of the claw comes into contact with a side wall on the cassette inserting direction side of the hole to position the cassette until the cassette is automatically loaded,” the Examiner has completed neglected to respond to our arguments directed to this limitation presented in the Response to Office Action mailed July 6, 2005, p. 3 (*see* Office Action mailed July 15, 2005, p. 3). However, in this pre-appeal brief, the Applicant takes the opportunity to reiterate that JP only shows a claw that is configured to contact the sidewall on a cassette *ejecting* direction side of the hole in the cassette (*See* JP, Figure 2). (Response to Office Action mailed July 6, 2005, p. 3). Moreover, the position maintained by the Examiner with respect to the aforementioned limitation is improper because the Examiner’s position effectively removes explicitly stated limitations (*i.e.*, a sidewall on a cassette inserting direction side of the claw comes into contact with a side wall on *the cassette inserting direction* side of the hole to position the cassette until the cassette is automatically loaded) within the claims. (*see* Office Action mailed July 15, 2005, p. 2).

In view of the above, the Applicant believes that the Examiner has failed to satisfy the requirements set forth in M.P.E.P §2131 to establish a rejection under 35 U.S.C. §102. Accordingly, a favorable decision from the panel is respectfully requested. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/114001).

Dated: October 12, 2005

Respectfully submitted,

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